

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

ELIZABETH AWALT, as Administrator
of the Estate of ROBERT AWALT,

Plaintiff,

v.

CORRECTIONAL HEALTHCARE COMPANIES,
INC., *et al.*,

Defendants.

No. 11 C 06142

Hon. Thomas M. Durkin,
District Judge

**PARTIES' JOINT MOTION FOR ENTRY OF A REVISED
SCHEDULE FOR COMPLYING WITH FEDERAL
RULE OF CIVIL PROCEDURE 54 AND LOCAL RULE 54.3**

Plaintiff ELIZABETH AWALT, as Administrator of the ESTATE OF ROBERT AWALT, and Defendants CORRECTIONAL HEALTHCARE COMPANIES, INC. ("CHC"), and HEALTH PROFESSIONALS, LTD. ("HPL") (collectively the "Parties"), by their undersigned attorneys, hereby respectfully move this Court, pursuant to Federal Rule of Civil Procedure 54 and Local Rule 54.3(g), for an extension of time to comply with Local Rule 54.3. In support of their motion, the parties state as follows:

1. On May 23, 2018, this Court issued a decision regarding attorneys' fees and entered judgment. Doc. Nos. 643 & 644. That decision covered attorneys' fees up to July 31, 2016, *see* Doc. No. 605-1 at 1 n.1, but not attorneys' fees relating to litigation of the fee petition itself.

2. On June 15, 2018, this Court entered an order setting the following Rule 54 and Local Rule 54.3 deadlines for litigation of a second fee petition: (a) Plaintiff is to file and serve a fee petition by October 8, 2018; (b) Plaintiff was to provide information set out in Local Rule

54.3(d)(1)-(4) by July 30, 2018; (c) Defendants were to provide the information set out in Local Rule 54.3(d)(5) by August 20, 2018; (d) the parties are to provide objections under Local Rule 54.3(d) by September 3, 2018; and (e) the parties are to file the joint fee statement required by Rule 54.3(e) by September 18, 2018. Doc. No. 646.

3. Defendants filed a notice of appeal on June 21, 2018, Doc. No. 647, and the parties have since been discussing resolution of the case at a conference ordered by the Seventh Circuit under Circuit Rule 33. Those discussions are ongoing.

4. In the interest of preserving the status quo during ongoing settlement negotiations, the parties have agreed that additional time would be beneficial before litigating a second fee petition.

5. Federal Rule of Civil Procedure 54 and Local Rule 54.3(b)&(g) permit this Court to enter an order altering the schedule for filing set out in Local Rule 54.3. Given the Parties' good faith effort to settle attorney's fees and costs and the possibility of still doing so, the Parties request that the Court enter an order revising the Local Rule 54.3 schedule.

6. The Parties respectfully propose the following revised schedule: (a) Plaintiff will file and serve a fee petition by October 29, 2018; (b) Plaintiff will provide the information set out in Local Rule 54.3(d)(1)-(4) by September 10, 2018; (c) Defendants will provide the information set out in Local Rule 54.3(d)(5) by October 1, 2018; (d) the Parties will provide objections under Local Rule 54.3(d) by October 15, 2018; and (e) the Parties will file the joint fee statement required by Local Rule 54.3(e) by October 22, 2018.

WHEREFORE, the parties respectfully request that this Court, pursuant to Federal Rule of Civil Procedure 54 and Local Rule 54.3, adopt the proposed schedule set out in paragraph 6, above.

RESPECTFULLY SUBMITTED,

/s/ Steve Art
Attorney for Plaintiff

Arthur Loevy
Jon Loevy
Michael Kanovitz
Steve Art
Sarah Grady
Anand Swaminathan
Cindy Tsai
LOEY & LOEY
311 N. Aberdeen St., 3rd Fl.
Chicago, IL 60607
(312) 243-5900
steve@loevy.com

/s/ Scott Salemi
Attorney for Defendants CHC and HPL

Scott Salemi
Heyl Royster
120 W. State St.
7th Floor
Rockford, IL 61105
(815) 963-4454

CERTIFICATE OF SERVICE

I, Steve Art, an attorney, certify that on August 22, 2018, I caused the foregoing PARTIES' JOINT MOTION FOR ENTRY OF A REVISED SCHEDULE FOR COMPLYING WITH FEDERAL RULE OF CIVIL PROCEDURE 54 AND LOCAL RULE 54.3 to be served on all counsel of record via CM/ECF electronic filing.

/s/ Steve Art
Attorney for Plaintiff